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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,668	08/16/2006	Yasuji Kusuda	2006_1356A	9964

  

EXAMINER	
REDDY, SATHAVARAM I	

  

ART UNIT	PAPER NUMBER
1785	

  

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

513 7590 07/20/2010  
WENDEROTH, LIND & PONACK, L.L.P.  
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/589,668	<b>Applicant(s)</b> KUSUDA ET AL.	
	<b>Examiner</b> SATHAVARAM I. REDDY	<b>Art Unit</b> 1785	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/11/2010</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Examiner's Comments***

**1. Applicants' response filed on 05/07/2010 has been fully considered. Claims 1-7, 9 and 11-17 are amended, claim 10 is cancelled and claims 1-9 and 11-17 are pending.**

### ***Claim Rejections - 35 USC § 103***

**2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (EP 1 136 973) in view of Jarnebrick et al (US 6,630,228).**

Regarding claim 1, Yano (EP 1 136 973) discloses a display window protection panel comprising a transparent protective plate having a first surface and a second surface (Fig. 4a #2 "cover glass substrate"; paragraphs [0070]-[0073]), a decorating film including a hard coating film being a hard coating processed layer having a first and second surface disposed on a transparent resin film (Fig. 4a #3 "hard coating film"; paragraphs [0032] and [0070]-[0073]) and a transparent sticking layer on the second

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surface of the transparent protective plate (Fig. 4a #6 “primer layer”; paragraphs [0070]-[0073]).

Yano (EP 1 136 973) does not appear to explicitly disclose the display window protection panel comprising a decorating film including a window forming layer having a decorated portion and a transparent window portion where the decorated portion is in a thin film state in a portion of the first surface of the hard coating film and the window forming portion being where the decorating portion is not formed.

However, Jarnebrick et al (US 6,630,228) discloses the display window protection panel comprising a decorating film including a window forming layer having a decorated portion and transparent window portion where the decorated portion (Fig. 3 #9 “surrounding frame”; col. 2, lines 37-62; col.2, line 67-col. 34, line 6) is in a thin film in a portion of the first surface of the hard coating film (Fig. 1 #1 “protective film”; col. 2, lines 37-62) and the window forming portion being where the decorating portion is not formed (Fig. 1 #5 “display window”; col. 2, lines 37-62).

Regarding claim 2, Yano (EP 1 136 973) does not appear to explicitly disclose the display window protection panel comprising the decorating film including a window forming layer having a decorated portion in the peripheral area of the decorating film and transparent window portion in the central portion of the decorating film.

However, Jarnebrick et al (US 6,630,228) discloses the display window protection panel comprising the decorating film including a window forming layer having a decorated portion (col.2, line 67-col. 34, line 6) in the peripheral area of the decorating film (Fig. 3 #9 “surrounding frame”; col. 2, lines 37-62) and transparent window portion in the central portion of the decorating film (Fig. 1 #5 “display window”; col. 2, lines 37-62).

Regarding claim 3, Yano (EP 1 136 973) discloses the display window protection panel comprising a decorating film provided with a first low reflectance processed layer (Fig. 4a #4 “anti-reflection coating”; paragraphs [0065], [0066] and [0072]).

Regarding claim 4, Yano (EP 1 136 973) discloses the display window protection panel comprising the first low reflectance processed layer provided on the entire other surface of the hard coating film (Fig. 4a #4 “anti-reflection coating”; paragraphs [0065], [0066] and [0072]).

Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) are analogous art because they are from the same field of display coverings.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) before him or her, to modify the display covering of Yano (EP 1 136 973) to

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include the window forming layer of Jarnebrick et al (US 6,630,228) in that having a window forming layer of a decorated portion and a transparent window portion provides high optical clearness and high resistance against scratches and impacts ((col. 2, lines 37-62) of Jarnebrick et al (US 6,630,228)).

**4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) in view of Keiichi (JP 2002-072214).**

Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) is relied upon as described above.

Regarding claim 5, Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) do not appear to explicitly disclose the display window protection panel comprising the transparent protective plate being optical isotropic and being provided with a polarizing plate.

However, Keiichi (JP 2002-072214) discloses the display window protection panel comprising the transparent protective plate being optical isotropic (Drawing 3 #3 “transparent protective plate”; paragraphs [0009] and [0010]) and being provided with a polarizing plate (Drawing 3 #2 “polarizing plate”; paragraphs [0009] and [0010]).

Regarding claim 6, Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) do not appear to explicitly disclose the display window protection panel comprising the polarizing plate on a second surface of the transparent protective plate.

However, Keiichi (JP 2002-072214) discloses the display window protection panel comprising the polarizing plate on a second surface of the transparent protective plate (Drawing 3 #2 “polarizing plate”; paragraphs [0009] and [0010]).

Regarding claim 7, Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) do not appear to explicitly disclose the display window protection panel comprising second low reflectance processed layer on a surface of the transparent protective plate opposing the display device.

However, Keiichi (JP 2002-072214) discloses the display window protection panel comprising the second low reflectance processed layer on a first surface of the transparent protective plate (Drawing 3 #1 “ $\lambda/4$  board”; paragraphs [0009] and [0010]).

Regarding claim 8, Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) do not appear to explicitly disclose the display window protection panel comprising the second low reflectance processed layer being a  $\lambda/4$  plate.

However, Keiichi (JP 2002-072214) discloses the display window protection panel comprising the second low reflectance processed layer being a  $\lambda/4$  plate (Drawing 3 #1 “ $\lambda/4$  board”; paragraphs [0009] and [0010]).

Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228), Keiichi (JP 2002-072214) are analogous art because they are from the same field of display coverings.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214) before him or her, to modify the display covering of Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) to include the polarizing plate and  $\lambda/4$  plate of Keiichi (JP 2002-072214) in that having a polarizing plate and  $\lambda/4$  plate provides circular light board functions with high luminosity ((paragraph [0002]) of Keiichi (JP 2002-072214)).

**5. Claims 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) in view of Tanube (US 7,014,916).**

Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) are relied upon as described above.



Regarding claims 9 and 11-13, Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) do not appear to explicitly disclose the display window protection panel comprising the transparent protective plate being a touch panel of a movable electrode film and a fixed electrode plate on the peripheral portion of the movable electrode film forming an air layer.

However, Tanube (US 7,014,916) discloses the display window protection panel comprising the transparent protective plate being a touch panel of a movable electrode film (Fig. 1 #25 "upper electrical conductive layer") and a fixed electrode plate (Fig. 1 #30 "lower electrical conductive layer") on the peripheral portion of the movable electrode film forming an air layer (col. 3, lines 51-58).

Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228), Tanube (US 7,014,916) are analogous art because they are from the same field of display coverings.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Tanube (US 7,014,916) before him or her, to modify the display covering of Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) to include the touch panel of Tanube (US 7,014,916) in that having the transparent protective plate as a touch panel provides a device which is hardly damaged upon a strong force ((col. 2, lines 7-11) of Tanube (US 7,014,916)).

**6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214) in view of Tanube (US 7,014,916).**

Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214) are relied upon as described above.

Regarding claims 14-17, Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214) do not appear to explicitly disclose the display window protection panel comprising the transparent protective plate being a touch panel of a movable electrode film and a fixed electrode plate on the peripheral portion of the movable electrode film forming an air layer.

However, Tanube (US 7,014,916) discloses the display window protection panel comprising the transparent protective plate being a touch panel of a movable electrode film and a fixed electrode plate on the peripheral portion of the movable electrode film forming an air layer (col. 3, lines 51-58).

Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228), Keiichi (JP 2002-072214) and Tanube (US 7,014,916) are analogous art because they are from the same field of display coverings.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228), Keiichi (JP 2002-072214) and Tanube (US 7,014,916) before him or her, to modify the display covering of Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214) to include the touch panel of Tanube (US 7,014,916) in that having the transparent protective plate as a touch panel provides a device which is hardly damaged upon a strong force ((col. 2, lines 7-11) of Tanube (US 7,014,916)).

### ***Response to Arguments***

**7. Applicant's arguments filed 05/07/2010 have been fully considered but they are not persuasive.**

***Applicants argue that Yano (EP 1 136 973) does not disclose the hard coating layer being a hard processed layer and formed on the surface of a transparent resin film as well as the transparent sticking layer being configured to attach a decorating film to a second surface of a transparent protective plate.***

The Examiner disagrees and notes that the hard coating film of Yano (EP 1 136 973) is a processed layer is made by the process of hot stamping. If the layer is made by a process, then it is considered to be a processed layer.

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In regard to the decorating film on a transparent resin film, the term "transparent resin film" is broad and encompasses all layers that are transparent resins. The primer layer of Yano (EP 1 136 973) as seen in paragraph [0073] can be made of polyurethane which is a transparent adhesive material in the field of display devices and panels and is considered to be a transparent resin film. Also, in paragraph [0032], there is an embodiment of the hard coating film portion of the decorating film disposed on the surface of the substrate which is also a transparent resin film as seen in paragraph [0032].

In regard to the transparent sticking layer attaching a decorating film to a transparent protective plate, the hard coating film is part of the claimed decorating film and this layer is being attached to the second surface of the substrate through the primer layer of Yano (EP 1 136 973).

Therefore, based on the above reasons Yano (EP 1 136 973) discloses the hard coating layer being a hard processed layer and formed on the surface of a transparent resin film as well as the transparent sticking layer being configured to attach a decorating film to a second surface of a transparent protective plate. The ordering of the layers should be clearly stated in the claims from top to bottom or from bottom to top in order to clearly describe the claimed display protective panel instead stating that the layers have a first surface and second surface

***Applicants argue that Jarnebrick et al (US 6,630,228) does not overcome the deficiencies of Yano (EP 1 136 973).***

The Examiner disagrees and notes that Jarnebrick et al (US 6,630,228) is a teaching reference used to teach a window forming layer of a decorated portion and a transparent window portion.

However, note that while Jarnebrick et al (US 6,630,228) does not disclose all the features of the present claimed invention, Jarnebrick et al (US 6,630,228) is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely a window forming layer of a decorated portion and a transparent window portion, and in combination with the primary reference, discloses the presently claimed invention.

***Applicants argue that Keiichi (JP 2002-072214) does not overcome the deficiencies of Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228).***

The Examiner disagrees and notes that Keiichi (JP 2002-072214) is a teaching reference used to teach a polarizing plate and a  $\lambda/4$  plate.

However, note that while Keiichi (JP 2002-072214) does not disclose all the features of the present claimed invention, Keiichi (JP 2002-072214) is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely a polarizing plate and a  $\lambda/4$  plate, and in combination with the primary reference, discloses the presently claimed invention.

***Applicants argue that Tanube (US 7,014,916) does not overcome the deficiencies of Yano (EP 1 136 973) and Jarnebrick et al (US 6,630,228) or Yano (EP 1 136 973), Jarnebrick et al (US 6,630,228) and Keiichi (JP 2002-072214).***

The Examiner disagrees and notes that Tanube (US 7,014,916) is a teaching reference used to teach touch panel.

However, note that while Tanube (US 7,014,916) does not disclose all the features of the present claimed invention, Tanube (US 7,014,916) is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981).

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Rather this reference teaches a certain concept, namely touch panel, and in combination with the primary reference, discloses the presently claimed invention.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATHAVARAM I. REDDY whose telephone number is (571) 270-7061. The examiner can normally be reached on 8:00 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on (571) 272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SATHAVARAM I REDDY/  
Examiner  
Art Unit 1785

/Betelhem Shewareged/  
Primary Examiner, Art Unit 1785